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TAGS: [PHUM](#) [PREL](#) [MX](#) [CA](#)  
SUBJECT: US-CANADA-MEXICO HUMAN RIGHTS TRILATERALS

Classified By: PolMinCouns Scott Bellard, reasons 1.4 (b) and (d)

11. (C) Summary. Discussions in annual U.S.-Canada-Mexico human rights trilaterals focused on forwarding human rights in multilateral venues, importantly at the UNGA (UN General Assembly) and the UN Human Rights Council (HRC). All three countries agreed that the HRC has failed in its treatment of a number of human rights issues. Mexico was less enthusiastic than usual in its support of the HRC and somewhat more open to the use of the UNGA Third Committee on certain human rights issues. The three delegations concurred that the jury is still out on the HRC's Universal Period Review (UPR) process, agreeing that the handling of the reports in June would be key. All criticized the Special Rapporteur selection process. The talks also touched on other human rights issues, including defamation of religion, Durban II, and indigenous peoples. End summary.

12. (C) On May 16, Canada hosted the annual trilateral meetings among the U.S., Canada, and Mexico on human rights. Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor Erica Barks-Ruggles led the U.S. delegation; Director General of Foreign Affairs for Human Rights and Democracy Alejandro Negrin Munoz led the Mexican delegation; and Director General of Foreign Affairs for Human Security and Human Rights Adele Dion led the Canadian team, assisted by Human Rights, Gender Equality, Health and Population Division Director Gwyneth Kutz.

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HRC  
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7TH SESSION  
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13. (C) The Canadians expressed satisfaction over the renewal during the HRC's Seventh Session of the Violence Against Women mandate, but deep displeasure with Cuba and the Organization of the Islamic Conference (OIC) over the Freedom of Expression mandate fight. Canada was also disappointed by the HRC's decision to not renew the Special Rapporteur for the Democratic Republic of Congo's (DRC) mandate.

14. (C) DAS Barks-Ruggles said that the U.S. remained disappointed by the continuation of negative trends seen in previous sessions. While there were a few positive signs during the Seventh Session, the U.S. was disappointed with the HRC's elimination of more country mandates, continued negative actions on Freedom of Expression, its continuing attacks on Israel, and its lack of action on pressing human rights situations globally. The U.S. delegation noted that the HRC had passed twice as many resolutions against Israel as it did against all other countries combined.

15. (C) Negrin described the Freedom of Expression mandate resolution as a difficult process, and explained that, while Mexico had voted against the OIC's and Cuba's amendments to the resolution, in the end it had voted in favor of the

resolution due to the importance of preserving the mandate. He also commented that Mexico is displeased that the Special Rapporteur on Indigenous Rights has historically focused almost exclusively on the western hemisphere. Canada and the U.S. expressed hope that the new SR will widen his focus.

#### 8TH SESSION: PRIORITIES

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¶16. (C) Canada's priorities for the HRC Eighth Session are: mandate renewal for Haiti; preventing to the extent possible unfair treatment of Israel; the adoption of the resolutions on the first 32 countries to undergo UPRs; a successful examination of women's rights; and, the selection of a competent new HRC president. Mexico's priorities for the Eighth Session include: the renewal of the mandate of the Special Rapporteur on Migrants; Mexico's submission for the Expert Mechanism on Indigenous Issues; the adoption of the Optional Protocol (OP) to the International Covenant on Economic, Social and Cultural Rights (ICESCR); and, the adoption of the outcomes of the UPR process. All three delegations agreed on the importance of the selection of a competent, tough HRC president.

#### U.S. LOWERING PROFILE

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¶17. (C) DAS Barks-Ruggles informed Canada and Mexico that the U.S. had decided significantly to reduce U.S. engagement with the HRC since the HRC has "exceeded our worst expectations." She noted, however, that the U.S. would nonetheless continue to engage with the HRC on issues of vital importance. The

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Canadian delegation agreed that the HRC had been a disappointment in many areas, but asked, "if not the HRC, then where can the world come together to defend human rights?" The Canadians also said that a lack of U.S. support would make things more difficult for Canada in the HRC. Mexico's Negrin commented that the absence of U.S. participation was "quite grave," and also expressed concern about a lack of U.S. support for allies.

#### UNIVERSAL PERIODIC REVIEW

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¶18. (C) Canada and the U.S. agreed that initial readouts showed that, while the UPR process may have the potential to become a useful exercise for those countries that take the process seriously, it is not a substitute for country-specific resolutions. The Canadians suggested that HRC members should reward those countries that took the process seriously, perhaps through partnerships between countries to share resources and experiences.

¶19. (C) The Canadian delegation inquired whether the U.S. and Mexico thought the HRC should adopt the 32 completed UPR reports in a single resolution, or pass 32 separate resolutions and consider each review on its merits. It noted that the HRC's current program of work includes only one hour for each review. Mexico supports providing the greatest possibility for revisions, and Negrin remarked that combining all the recommendations into a single resolution would relegate the crucial parts of the reports to an annex, "and we all know no one reads annexes." Mexico remains unsure of exactly the best way to go forward with the process, however.

The U.S. delegation commented that, considering time constraints, it was unclear how the HRC could adopt 32 separate resolutions, but that it would be a "vast disservice" to those who took the process seriously to include all of them in a single resolution. The U.S., Canada, and Mexico agreed that it was clear the modalities of the UPR process remain uncertain, including ensuring that NGO participation in the process is strong. They also concurred that the handling of the first two tranches of reports in

June will be critical to the success of the process.

SPECIAL RAPPORTEUR MANDATES

110. (C) All three delegations expressed disappointment at the lack of transparency and the poor choices involved with the selection of Special Rapporteurs. Canada and Mexico were also disappointed by the considerable time and energy the HRC has expended on organizing Special Rapporteurs' visits, especially given that Special Rapporteurs tended to repeat visits rather than seek to visit those countries that do not issue standing invitations. The U.S. believes that Special Rapporteurs should avoid engaging in work beyond their mandates, but admitted it would be difficult to halt such overstepping without abridging the independence of the mandate-holders. Canada believes it could be useful to approach the Special Rapporteur Coordinating Committee on these issues.

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UNGA  
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UNGA THIRD COMMITTEE AND CANADA'S IRAN RESOLUTION

111. (C) In view of decreased U.S. engagement with the HRC, and its disappointment with the HRC's inability to address grave human rights situations, the U.S. will place greater emphasis this year on the UNGA Third Committee. The U.S. delegation remarked that country-specific resolutions have generally been beyond the capacity of the HRC, leading countries to look to the UNGA Third Committee. Canada said Qcountries to look to the UNGA Third Committee. Canada said the HRC should deal with major human rights violations throughout the world, but has failed to do so. Canada believes that countries should work to fix the HRC so that it has greater ability to address these situations, but in the meantime, countries should go to the UNGA Third Committee on such issues. Mexico agreed, noting that the HRC should work to address grave human rights situations, because the UPR is not an "exit strategy," but that the UNGA Third Committee remained an important venue for addressing human rights violations. The Canadian delegation insisted that just because the HRC was not prepared to address grave human rights situations, this does not/not diminish the international community's obligation to raise these situations.

112. (C) For the past five years Canada has run a resolution

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in the UNGA Third Committee against Iran. The Canadian delegation commented that conditions in Iran are deteriorating, and said that Canada was looking forward to reading the UN Secretary General's report on the situation in Iran, which it hopes will be released shortly. (Note: Separately, Canada asked the U.S. to push for the release of the report, which will be key in the development of their Iran resolution strategy this year. End Note.) The Canadian delegates stated that, while the government has not yet formally decided whether Canada would again present the Iran resolution this year, they did not/not expect Canada's leadership to take a different direction this year. (Note: Canada's FM resigned the following week, but Canada informs us they have already resubmitted the proposal to acting FM David Emerson. End Note.)

113. (C) The U.S. delegation firmly supported Canada running its resolution on Iran again this year. The U.S. hopes the Third Committee would also look at poor human rights trends in Uzbekistan, Sri Lanka, Belarus, and the Democratic People's Republic of Korea, as well as media and internet freedom issues in such countries as Russia and China. The U.S. also is considering running a Prisoners of Conscience

resolution at Third Committee.

¶14. (C) Mexico will run four resolutions at the UNGA Third Committee on disabilities, migrants, promoting human rights while countering terrorism, and the world drug problem. Mexico hopes for U.S. support for the human rights while countering terrorism resolution, but the U.S. delegation noted that Mexico's running of this resolution three times per year in different venues was not helpful and suggested that Mexico wait a year before running this resolution again at the UNGA.

#### NO-ACTION MOTIONS

¶15. (C) Canada is considering presenting a general resolution at the UNGA Third Committee underlining the importance of human rights resolutions. By separating the issue from specific country situations, Canada hoped to reinforce the resolution-mechanism while providing fodder to defeat no-action motions. The U.S. expressed some concern that this tactic could backfire. All three delegations agreed that no action motions need to be defeated on principle.

#### THEMATIC ISSUES

#### DEFAMATION OF RELIGION

¶16. (C) The three delegations agreed that attempts to include the defamation of religion in the work of the United Nations was a troubling trend. Canada expressed concern that politicization of religion would lead to a diminution of the individual rights to freedom of religion and speech. The U.S. delegation stated that the singling out a specific religion should be stopped, and noted that there seemed to be growing agreement about this within the UN. Mexico also expressed concern about defamation of religion declarations, and stated that any declaration on religion should include all religions. GRULAC, however, remains unsure how to handle this concept. The U.S. delegation noted the new U.S. Special Envoy to the OIC is working on our concerns about defamation issues. Mexico and Canada both expressed interest in the work of the U.S. Special Envoy, and requested that the Special Envoy participate in the next trilateral meeting. Canada requested further bilateral consultations with the U.S. to discuss the possibility of establishing a Canadian Special Envoy.

#### RIGHT TO FOOD

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¶17. (C) Canada expressed satisfaction that the HRC would be holding a Special Session on the Right to Food, as Canada has long advocated the holding of thematic discussions within the HRC. Canada emphasized that the discussions should have a practical outcome, and expressed concern that the session could turn into a "festival of blame," with developing countries blaming wealthy countries. Canada has announced a donation to the World Food Programme, as well as untying its aid. The U.S. and Canadian delegations both emphasized that the HRC should focus on the human rights issues related to food, such as the disproportionate impact of the food crisis on women and girls. The U.S. believes that the HRC should avoid addressing topics not within its competency, such as the economic factors behind the food crisis. Mexico

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expressed hope for a constructive session resulting in consensus.

#### RIGHT TO WATER

¶18. (C) The U.S. and Canadian delegations expressed concern that international action recognizing a right to water could have a major impact on their domestic situations. The U.S. was against the HRC taking up the issue, saying that other international bodies would be better placed to handle negotiations over resource sharing and the equitable distribution of water. Mexico, noting that it too does not/not recognize a right to water, joined Canada and the U.S. in questioning how the HRC could implement a declaration on such a right.

#### MEXICO AND MIGRANTS

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¶19. (C) During bilateral discussions, the U.S. and Canadian delegations expressed frustration about Mexico's continual attempts to insert migrants into the UN framework. The U.S. delegates noted that Mexico repeats many of its resolutions on migrants in the HRC, OAS, and UN. Canada remarked that it would be more useful to agree to disagree on the question of migrants and to move on to areas in which countries can work together. Canada expressed the belief that Mexico continued to run these resolutions in multiple venues to attempt to prove to Brazil and others in Central and South America that it is not simply a lackey of the United States and Canada. During trilateral discussions, DAS Barks-Ruggles urged a results-oriented approach for the Third Committee, and stated that countries should optimize the Third Committee's time by not presenting thematic resolutions every year. She noted that the U.S. does not run its thematic resolutions every year, without diminishing their impact.

#### DURBAN II

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¶20. (C) Canada reiterated its position that it will not participate in Durban II. Mexico plans to participate in Durban II and was disappointed that the U.S. and Canada would not be there.

#### OAS DRIP AND RACISM

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#### RIGHTS OF INDIGENOUS PEOPLES

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¶21. (C) During a separate bilateral U.S.-Canada meeting, the Canadian delegation requested further clarification of the U.S. position on the OAS Declaration on the Rights of Indigenous Peoples. DAS Barks-Ruggles clarified the explicit instructions are that the U.S. opposes the current text. As clearly stated, we will not participate in negotiations of text and will be unable to vote for, sign or ratify the Convention in its current form. Canada might be able to accept a footnote, provided it expressly stated which member-states support the Declaration (and therefore to whom it applies). The Canadian delegation noted the explicit reservation that Canada had already expressed, which seemed to have increased pressure on Brazil and Mexico. The U.S. and Canada agreed that, similarly to the OAS' Racism Convention, the OAS seems more interested in negotiating a declaration than in undertaking practical efforts to address human rights issues affecting indigenous peoples in the hemisphere.

¶22. (C) During the trilateral meeting, Mexico's Negrin agreed that the Indigenous Caucus had taken a "maximalist" approach in negotiations. When asked what it had done to implement the UN DRIP, Mexico said that the reformed Mexican constitution was already in line with the declaration, and thus Mexico did not believe it was necessary to "implement" UN DRIP. Mexico has nonetheless disseminated the UN DRIP to its Congress and the public, and had translated it into Qits Congress and the public, and had translated it into several indigenous languages. Regarding new HRC Special Rapporteur on Indigenous Issues James Anaya, Mexico's hope is



that he would focus his efforts on all areas of the world -- not just the Western Hemisphere. All three delegations agreed that the Special Rapporteur and new UN Independent Expert should undertake a more global approach.

#### INTER-AMERICAN CONVENTION ON RACISM

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¶23. (C) The Canadians expressed frustration with the draft

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OAS Inter-American Convention on Racism, and noted that, like the U.S., it would prefer establishing cooperative agreements that address issues in a practical manner rather than developing new legal instruments. Canada may suggest that the OAS pause negotiations for five years to work on practical projects. As an example of a practical cooperation agreement, the U.S. delegation separately described to Canada the Brazil-U.S. Joint Action Plan Against Racism. (Canada expressed considerable interest in learning more about the plan, and the U.S. delegation has since passed on information to its Canadian counterparts.)

¶24. (C) The U.S. delegation agreed that a pragmatic course would be preferable. The U.S. believes the Convention would not/not be implementable, and thus it is not participating in the negotiations.

¶25. (C) Mexico would prefer that the name of the Convention not include the term "racism," as it would be most effective if it also dealt with other forms of intolerance and discrimination. Mexico does not understand the Canadian and U.S. arguments that there was no need for an OAS instrument on racism because a UN convention already exists. According to Mexico, many regional instruments look at the same issues as UN instruments, and the OAS instrument would have "local flavor." Canada agreed there is a time and a place for regional instruments -- particularly on issues where the Americas can do what other parts of the world are not ready to do -- but expressed skepticism that the OAS Racism Convention would "lead the way" on fighting racism.

#### PRISONERS OF CONSCIENCE DECLARATION

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¶26. (C) The U.S. delegation opened up discussion on the proposed UNGA Prisoners of Conscience Declaration by thanking Canada for its support, while asking Mexico for its support, and inviting ideas on follow-up and implementation. Canada pressed for outreach and education efforts, while Mexico expressed frustration that the Declaration was not open for suggestions or changes, noting that it would be difficult for Mexico to support a Declaration on which it has not been able to provide input. Mexico's suggestion was that OPs to the Convention Against Torture and the Istanbul Protocol could be useful in the implementation of the Declaration. The U.S. delegation emphasized that the Declaration was not intended to duplicate existing mechanisms, but rather to highlight the role that released prisoners of conscience can play in bringing about change in their countries. The Canadians remarked that the two OPs would likely not/not be relevant to the Declaration's implementation because they looked at the broad issue of how to manage detentions, while prisoners of conscience should not be in jail in the first place.

#### UN DEMOCRACY FUND

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¶27. (C) The U.S. delegation provided an update on the UN Democracy Fund (UNDEF), and urged Canada and Mexico to consider making donations. Canada raised the possibility of using UPR recommendations to feed into targeting UNDEF programming, and noted that UNDEF Executive Head Roland Rich's visit to Ottawa this past winter had left Canada impressed and more positive regarding UNDEF.

OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS

128. (C) During a separate U.S.-Canada bilateral session, the Canadian delegation stated that they had not submitted a list of potential candidates for the position of UN High Commissioner for Human Rights, noting that Secretary General Ban Ki Moon seemed comfortable leaving the deputy in charge for an interim period of time. The two delegations agreed that the new Commissioner should be well-qualified, thick-skinned, an ardent defender of the independence of the Office of the High Commissioner on Human Rights, and should not be a Geneva-based person or Permanent Representative. They also agreed that GRULAC and WEOG candidates should not automatically be disqualified.

COMMENT

129. (C) Canada and Mexico proved once again to be strong allies and partners of the United States on human rights issues. While Mexico was still the strongest defender of the HRC, even its delegation seemed to be coming around to the idea that the HRC does not simply need more time to establish itself, but has not developed into an institution that can

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effectively address key human rights issues. As we decrease engagement with the HRC due to its ineffectiveness, we should be sure to maintain cooperation and coordination with Canada and Mexico on human rights issues.

130. (U) This cable has been cleared by DRL and IO.

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